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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION (LOD.) NO.646 OF 2004

M/s.Central Bank of India ... Petitioner

V/s.

M/s.angerine INformatique Ltd. ... Respondent

And

Mr.Om Hemrajani ... Applicant

Mr.Cyrus Bharucha with Ms.V.Verwani i/b M/s.V.V. Juris for Petitioner
Ms.K.V. Gautam, Dy. O.L., present

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **NOVEMBER 24, 2005**

P.C.:

. By this Company Application, the Applicant has sought direction against the Official Liquidator to release the premises at Unit No.311, Parvati Industrial Estate, Sun Mill Compound, Lower Parel, Mumbai-13 to the Applicant. According to the Applicant, the premises are owned by him and his wife in his personal capacity. The premises were purchased by them in April 1988 for an amount of Rs.4,55,000/- and the agreement of sale dated 15.4.1988 is annexed to the affidavit in support of the application. The Respondent-company was permitted to use these premises gratis. All along the applicant has

been paying the maintainance and other dues in respect of the premises in his personal capacity. The Official Liquidator refused to release the premises without there being an order of the Company Court. It is for this reason that the Petitioner has filed the present application.

2. In his affidavit in reply, the Official Liquidator has pointed out that the premises were mortgaged with ING Vysya Bank and therefore, the premises could not be handed over. The affidavit of the applicant has been filed today annexing the No Objection certificate issued by the ING Vysya Bank. This No objection certificate is dated 23.3.2005. The Bank had no objection to the applicants being released the property which is lying in the possession of the Official Liquidator. Accordingly, the premises, namely, Unit No.311, Parvati Industrial Estate, Sum Mill Compound, Lower Parel, Mumbai-13 shall be released and handed over to the applicant by the Official Liquidator.

3. The Official Liquidator states that there are certain items including certain documents which are lying in the premises. The Official Liquidator shall remove the 25 gunny bags containing the records within two weeks from today. The other items mentioned in the

inventory report at page 10 will remain in the premises. The Official Liquidator to inform the applicant the date and time on which the gunny bags containing the records will be removed.

4. Company Application is disposed off in the above terms.

5. All concerned to act on an authenticated copy of this order.